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NO. 677 P. 1

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
40379/AJ/mfc

First named inventor: Fabio Biscarini

Application No.: 10/537,168

Art Unit: 1762

Filed: May 31, 2005

Examiner: BURKHART, ELIZABETH A

Title: PROCESS FOR OBTAINING SPATIALLY-ORGANISED NANOSTRUCTURES ON THIN FILMS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 810 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of reply to Notice to file corrected application papers (Identify type of reply):

- ☒ has been filed previously on March 21, 2008
☐ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ 1,020
☒ has been paid previously on November 18, 2007
☐ is enclosed herewith.

[Page 1 of 2]
This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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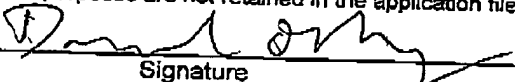
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

December 18, 2008

Date

Daniel O'Byrne

Typed or printed name

36,625

Registration Number, if applicable

Via Meravigli, 16 - 20123 MILAN - ITALY

Address

from USA (011)(39)(02)85907777

Telephone Number

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Clarification


CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1460, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

December 18, 2008

Date


Signature

Daniel O'Byrne

Typed or printed name of person signing certificate

18. DEC. 2008 16:39

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attention: Nancy Johnson
Senior Petitions Attorney
Office of Petitions

In re Decision on Petition dated November 07 2008.
Application Number 10/537,158
In the name of Fabio Biscarini et al
Art Unit: 1762


CLARIFICATION
regarding the concurrently filed Petition under 37 CFR 1.137(b)

With regard to the 3rd. paragraph on page 4 of the above identified Decision on Petition, since it appears difficult for the petitioners to guess whether the Senior Petitions Attorney may be satisfied with possible petitioners' attempts to provide further persuasive evidence of non-receipt of the considered Office Action, your petitioners have decided, in order to be on the safe side, to submit herewith the concurrently filed Petition under 37 CFR 1.137(b), since from the evidence submitted in support of the dismissed Petition it appears undeniably persuasive that your petitioners have never had the intention to abandon the above identified application.

Moreover your petitioner's pray that the said evidence submitted with regard to the dismissed Petition, are incorporated by reference in the herewith concurrently filed above identified petition.

date:
December 18, 2008

Respectfully submitted


Daniel O' Byrne
Reg. No. 36.625

Application Number 10/537,158
In the name of Fabio Biscarini
Art Unit: 1762

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

PAYMENT OF THE PETITION FEE

The undersigned Agent herewith authorizes the Commissioner of Patents and Trademarks to charge the deposit account number 13-3860 of applicant's agent of record, in the amount of US\$ 810.00 - Fee Code: 2453 to cover the cost of the Petition for Revival, hereby submitted.

Any deficiency, if any, or overpayment should be charged or credited to the above numbered deposit account.

Respectfully submitted,


Daniel O'Byrne (Reg. No. 36,625)
Agent for the Applicant

Date: December 18, 2008
Address: Via Meravigli 16, 20123 MILAN-ITALY
Telephone: (from USA) (011)(39)(02)8590-7777
Telefax: (from USA)(011)(39)(02)863-860

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